

Exhibit 14

ROUGH DRAFT

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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF VIRGINIA

CHMURA ECONOMICS & ANALYTICS, LLC,

Plaintiff,

Civil Action

vs.

No. 3:19cv813

RICHARD LOMBARDO,

Defendant.

_____/

VIRTUAL DEPOSITION OF ETHAN TROMBLEY

May 8, 2020

2:00 p.m.

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USED AS A FINAL. ACCEPTANCE OF A ROUGH DRAFT ASSUMES
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CORRECTED ON THE FINAL. ***

Reported by:

Anne E. Vosburgh, CSR-6804, RPR, CRR

Job No. 179589

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APPEARANCES:

FOR THE DEFENDANT:

KOEHLER FITZGERALD

By: CHRISTINE M. COOPER, ESQ.

FOR THE PLAINTIFF:

MCGUIRE WOODS

BY: CHRISTOPHER M. MICHALIK, ESQ.

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Cleveland, Ohio

May 8, 2020, 2:04 p.m.

PROCEEDINGS

THE REPORTER: Due to the severity of COVID-19 and following the practice of social distancing, I will not be in the same room as the witness and will swear in the witness remotely.

Do both parties stipulate to the validity of this transcript and remote swearing, and that it will be admissible in the courtroom as if it had been taken following Rule 30 of the Federal Rules of Civil Procedures and the state rules where this case is pending?

MR. MICHALIK: Yes.

MS. COOPER: Yes.

THE COURT REPORTER: Thank you.

ETHAN TROMBLEY,

having been called as a witness, was duly sworn to testify to the truth by

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an authorized notary public and
testified as follows.

EXAMINATION

BY MR. MICHALIK:

Q. Good afternoon, Mr. Trombley. My
name is Chris Michalik. I'm an attorney
representing Chmura analytics in a lawsuit
against Rick Lombardo. I'm going to be taking
your deposition this afternoon pursuant to a
subpoena. Just as we're getting started, could
you state and spell your name for the record.

A. Yes. Ethan is spelled E-t-h-a-n,
Trombley is spelled TRO -m-b-l-e-y.

Q. And have you ever given a deposition
before?

A. I have not.

Q. Okay. I'm going to be over some
brief ground rules so you understand the
process. It's even more unusual since we have
the issues with technology and sometimes
there's trouble hearing, that sort of thing.

So first of all, it's under oath so
it's like you're testifying in a court of law.

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We have a court reporter taking down both what you say, what I say, and also what Mr. Lombardo's counsel says. So it's going to be important that you let me finish my questions before you answer and I'll let you finish your answers before I ask another question. That way the court reporter can get everything down. Just by the nature of this, at some point or another, we're likely to talk over each other, so we may need a reminder, but just so you understand that aspect of it. Also, I'm going to need you to provide audible answers. It's normal when we're talking to respond with an "uh-huh" or huh-uh or a head shake. The reporter can't get that down. Does all of that make sense to you?

A. Makes since.

Q. Okay.

Q. And if I ask a question and you don't understand it, just ask me to rephrase it. I'll make sure you understand it. If you answer, I'll assume you understood that question. Likewise, if there is some issue with the and you can't hear the question fully

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or you can't hear me, please speak up and we'll make sure we get the question correct. I don't expect this to be a very long deposition, but it is more a marathon than a sprint but if at some point you need a break, just let me know. I'll I may finish my line of questioning, but we'll take breaks as you need them.

I'm going to ask a few other background questions just for purposes of the deposition.

Are you on any medications or do you have any medical conditions that would affect your ability to testify today?

A. No.

Q. Any other reason that you can't testify truthfully or to the best of your recollection?

A. No other reasons.

Q. In preparing for your deposition, did you review any documents today? I'm sorry. Not today. That was a bad question.

In preparing for your deposition today, did you review any documents?

A. I did not.

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Q. And did you speak with anybody in preparation for your deposition today?

A. I did not.

Q. Okay. I'm going to ask you some questions about your employment with Chmura.

Before I get to that, are you aware that there is a lawsuit between Chmura and Mr. Lombardo?

A. Yes.

Q. And how did you become aware of that lawsuit?

A. After it became public, when Rick asked me if I would be okay with being deposed, I found out.

Q. Okay. And did you speak with Mr. Lombardo about the lawsuit between the two parties?

A. No more than that, just being asked to be deposed. I said yes, that's fine.

Q. Okay. Prior to --

A. I'm sorry. I didn't mean to interrupt you. Just a general understanding.

Q. That's fine.

A. Yeah. No, of course, I asked what

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is it about. So I know generally what is it about, but very vague.

Q. When you spoke with Mr. Lombardo, did he talk about his employment with Chmura with you at that time?

A. When we spoke about the case?

Q. Yes, sir.

A. When you say spoke about his employment, in what way do you mean?

Q. Other than telling -- asking you if you were willing to be deposed, did you discuss the background of this case with Mr. Lombardo at all?

A. He just mentioned it had something to do with exempt versus nonexempt or something like that. That's really the extent of what I recall.

Q. Okay. Prior to that conversation, you may have answered this question. Prior to this conversation, had you spoken with Mr. Lombardo previously about, maybe not the case, but a dispute he was having with Chmura after his -- after he no longer worked for Chmura?

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2 A. Not to my recollection, no.

3 Q. And I understand at one point you
4 were employed by Chmura; is that correct?

5 A. Correct.

6 Q. And can you tell me roughly when
7 your employment began?

8 A. I believe it was November 2016.

9 Q. And what position were you hired
10 into?

11 A. Data analyst.

12 Q. And can you tell me -- can you
13 describe your job duties as a data analyst?

14 A. Mainly focused on identifying issues
15 in our software and figuring out ways to remedy
16 them.

17 Q. And were you doing coding work or
18 what type of -- how would you characterize that
19 work?

20 A. More so working hand in hand with
21 coders, the individuals that were building the
22 products. We would analyze large datasets,
23 figure out issues with what was being built.
24 So it's like a symbiotic relationship between
25 the analysts and the developers.

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Q. While you were a data analyst, did you have regular interaction with the sales department or the sales team?

A. I did not.

Q. Where did you work? What was your physical location where you worked?

A. I first started -- you're referring to like the Cleveland office?

Q. Yeah. You were located in Cleveland?

A. Yes. I was located in Cleveland, working out of the Cleveland office.

Q. Okay. And there's been prior testimony in this matter that the Cleveland office is a three floored building. Is that correct?

A. That's correct.

Q. And while you were a data analyst, where in the building were you located?

A. I started on the main level and then spent some time in the basement level.

Q. And just for clarification, understand if we're going from lowest to highest, the first floor would be the basement,

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then there's a second floor, and then a third floor, which would be the second floor aboveground.

Which floor are you referring to as the main level?

A. Gotcha. So I started on the second level and then moved down to the first level.

Q. Okay. And who did you report to while you were a data analyst?

A. Greg Chmura.

Q. And do you know Greg Chmura's title?

A. At that time, I believe he was vice president of data governs or head of data governance, something along those lines.

Q. And did it change, if you know, during the time of your employment?

A. It did, yes.

Q. And -- go ahead.

A. Go ahead. I was going to say, something got append on to it when he took on the additional role of -- I believe we call it VP of sales. So he was both VP of governance, VP of sales.

Q. Okay. And how would you describe

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Chmura as far as size of the company? Would you describe, you know, was it a large company? Small company? How would you describe it?

A. Small company, yeah. Less than 15 employees at the time.

Q. I didn't catch -- did you say less than 15 or less than 50?

A. 50.

Q. And during your time with Chmura, was it growing? Was it increasing in size?

A. Yes. There were other hires made.

Q. Was it rapidly increasing in size? How would you characterize the company's growth during your time?

A. It was growing at a steady rate.

Q. Okay. At some point, did your job title switch or change?

A. It did. So similar to Greg, it was kind of having something append onto it. I also took on the role of being a sales coordinator.

Q. And do you recall when that was?

A. I believe either late August or early September of 2017.

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2 Q. And so did you remain a data analyst
3 when you also had the sales coordinator title,
4 I think you said, append onto your title?

5 A. I did technically, but I did off
6 load a lot of duties associated with the
7 previous data analyst role. It took on a
8 different form, focusing more on sales data.

9 Q. Can you describe your job duties
10 once you had this new responsibility? How
11 would you describe your job at that time?

12 A. Sure. My job was kind of to act as
13 a middleman between the sales team and other
14 departments within the company. Leadership, of
15 course, enrichment. Greg, being the VP of
16 sales, the product team that developed it, the
17 support teams.

18 Q. So as I understood your testimony,
19 you acted as almost a go between between the
20 sales team and the product team? And I didn't
21 hear the other teams you referenced?

22 A. Product team, leaderships, which --
23 when I say leader ships, I think Greg Chmura,
24 John Chmura, Leslie Peterson, Chris Chmura, and
25 the support team individuals, finances,

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occasionally, to handle subscription renewals.

Q. And let's talk about your role and what you did with regard to functioning between the sales team and the product team. What type of things would that require?

A. That one wasn't a huge time commitment. I remember one thing we did was we built process to get customer requests for the product onto a roadmap that the product team was tracking.

Q. Can you explain that for me in more detail?

A. Sure. So say we have an existing customer. They want something in the product that doesn't exist yet. They request it to sales and then sales takes information, passes it along to the product team. They document it in a product load map and we track it overtime to see which requests for features are the most popular, then we can prioritize development based off that.

Q. So would -- the sales team would get requests. Would they then contact you?

A. At first they would. Then we built

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a process where we had them send it directly to members of the product team. It was just easier that way.

Q. Okay. So once that was built, it kind of -- you were no longer in that process, it was directly between sales and the product team?

A. Yes.

Q. And do you recall when that change took place?

A. Oh, gosh, no. That would be hard to remember.

Q. Okay. Did you have that function for very long ones you took on this new role?

A. Honestly, I can't remember.

Q. Okay. And you indicated that you also functioned in a roll functioning between the sales team and the leadership team. Can you describe that job duty -- or those job duties?

A. Sure. So I still reported to Greg at the time. So let's say a deal is being worked by the sales team and the sales team needs to get discounting for a deal, they would

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first discuss it with me, and then I would go discuss it with Greg to get further approval. And then if we needed -- the there wasn't like a lot of concrete rules but if it was a very large discount, we would take it to the leadership team in Richmond to get final approval. So it was kind of a step ladder of approval along the way.

Q. And while you were with the company, did the senior account managers, they had a 10 percent discount they could give at their discretion; is that correct?

A. Yeah. It was actually -- I was trying to remember that the other day. I don't know if we ever put it in writing. I want to give you a straight answer, I'm just trying to remember for sure. I want to say yes, at some point we instituted a -- at some point I believe we gave them 10 percent discounting leeway.

Q. Okay. So --

A. I want to go reference the old Word document we built up for that.

Q. And they think other situations, if

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2 it was more than 10 percent, they would come to
3 you for approval; is that correct?

4 A. So the thing was, I didn't have the
5 authority to approve something over 10 percent
6 either. What we would do is the 10 percent
7 would come to me, we would discuss the deal,
8 and then basically package up the argument to
9 get the discount for leadership. So we
10 would -- I would work with the salespeople to
11 where I think that proposed deal to the
12 leadership to get final approval. I had
13 limited authority in that regard.

14 Q. And for the deals that -- or the
15 discounts that were larger than 10 percent,
16 where he would meet with the -- or work with
17 the salesperson who wanted the larger discount,
18 you said, work it up. What would you do to
19 work it up?

20 A. Pretty simple. I would say, okay.
21 Explain to me where we're at with the deal.
22 What are the benefits of bringing this customer
23 on at this price, you know, there's certain --
24 we don't want to sell it for free, but what are
25 the merits of having this company as a

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2 customer. That's it. It was different for
3 every single deal. Every company is different
4 you try to sell it. It wasn't like a formal
5 process.

6 Q. Sure. And I apologize. Your
7 picture is frozen on the screen. So if it
8 seems like I'm talking over you some, it's
9 because I'm just going off the phone. So I
10 apologize the couple of times I'm talking over
11 you.

12 A. Is it unfroze now?

13 Q. Yes.

14 A. Sorry about that.

15 Q. No, like I said, the Joyce of
16 virtual deposition.

17 And you were talking about for the
18 discounts that were larger than 10 percent, you
19 would work with the account manager you said
20 basically to develop the case for a larger
21 discount. Is that a fair way of describing it?

22 A. Yeah. Make a business case for it.
23 And sometimes in the conversations, we would
24 bring Greg in the immediate -- not the
25 immediate, but initial steps because we knew we

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had to take it to Leslie and Chris to get final approval.

If we knew right off the gate it was going to be 20 percent, the three of us would meet in Greg's office and we would discuss it.

Q. And you had mentioned -- that brings me back to something you had mentioned. Once you had the new position, did Greg continue to be your new supervisor?

A. He did, yes.

Q. And was he your supervisor during the entirety of your employment at Chmura?

A. He was.

Q. And how would you describe your relationship working with Greg?

A. Positive.

Q. And while we're talking about it, at some point your employment with Chmura ended; is that correct?

A. Correct.

Q. And when did that happen?

A. It was sometime during the month of November 2018, I believe.

Q. And did you voluntarily resign or

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how did the termination come about? How did your employment end?

A. I voluntarily resigned.

Q. And did you resign for subsequent employment?

A. Yes.

Q. And where was that?

A. With Keyfactor or in independence Ohio.

Q. Key, KEY, key factor?

A. Yeah. One word, key factor.

Q. And are you still employed with key factor?

A. Yes.

Q. We were talking about Mr. Chmura. So if it was a particularly large discount, you would bring him in early? Did I understand that correct?

A. That's correct.

Q. And you, Mr. Chmura, and the salesperson, would work on building the business case. Is that a correct understanding of how it would work?

A. I mean, yeah. I don't want to make

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like a blanket statement because it wasn't a very formal process, but, yeah. Any time there was something over 10 percent, neither the salesperson or I could approve that so we had to talk about that with Greg or Leslie or Chris.

Q. And in your years of working with Greg, did he listen to your recommendation and take them into account?

A. Yeah. Greg is a great listener.

Q. And we also do with same with the account manager?

A. He would hear them out if he had the time to take a meeting.

Q. Okay.

A. It doesn't mean approval would always happen right there in that meeting, but he would always be willing to hear a business case.

Q. And as far as with Mr. Chmura -- I mean, Mr. Lombardo, are you aware of any situations in which Greg Chmura rejected the discount that Mr. Lombardo requested?

A. Yeah. I mean, it must have happened

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at least ones. I wish I could cite a specific deal, but a while back. Yeah. It wasn't always a go every time. They've gotta make money.

Q. But normally, he would work with you and Mr. Lombardo to try to get the discount Mr. Lombardo requested. Only if it made sense for Chmura, the company.

Q. And you mentioned being a liaison between the sales team and leadership. You mentioned Mr. Chmura. Did you have any involvement with Leslie or Chris Chmura?

A. Yeah. We would speak occasionally.

Q. Was most of your interaction with Greg?

A. Yes.

Q. And when your position changed, did your location within the building that you were located, did that change?

A. Yes. I had moved to the third level.

Q. Okay. So just so I have it clear, when you started as a data analyst, you were on the second level, then you moved down to the

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basement level for a period of time. And when you got the new position, you moved to the third level; is that correct?

A. Correct.

Q. And did you work from the office most days?

A. Yes.

Q. Did you travel much for your job?

A. Not often.

Q. And I assume you didn't work from home regularly?

A. Rarely ever.

Q. Once you had the new position, so the sales coordinator, data analyst position, what was your interaction with the account managers? Were you interacting with them on a daily basis, weekly basis? What amount would you interact with them?

A. Daily basis.

Q. And I apologize, if you'll bear with me, it looks like I've been knocked off the screen again.

(Off-the-record discussion held.)

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2 BY MR. MICHALIK:

3 Q. Did you have a regular schedule when
4 you had the sales coordinator position?

5 A. By regularly scheduled, you mean,
6 the hours that I worked every day?

7 Q. Yes, sir.

8 A. Yes. I usually got in some time
9 between 8:30 a.m., 845, this then I would work
10 at the office until about anywhere between
11 5:45 p.m., 7:00 p.m. which varied a little bit,
12 but it was mostly that kind of range.

13 Q. Okay. And were you frequently the
14 last person at the office?

15 A. It was a mix. Some days yes, some
16 days no.

17 Q. If you were the last person, would
18 you set the alarm on your way out?

19 A. Yes.

20 Q. Okay. And specifically with regard
21 to Mr. Lombardo, did you interact with
22 Mr. Lombardo regularly?

23 A. Yes.

24 Q. And once you had the sales
25 coordinator position, what was your observation

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of, first of all, how frequently he was in the office?

A. He was always there before me in the morning. But I'm not sure what time he got in. And at the end of the day, either -- a lot of times either I would be one of the last people leaving the office or he would be one of the last few people leaving the office. It was a mix.

So it seemed like he was typically there sometime between before 8:30 and 5:30, 6:30, 7:00. So, yeah, eight, nine, 10 hours a day.

Q. Okay. And did you have lunch with Mr. Lombardo on a regular basis?

A. No. I haven't been one for lunches.

Q. Did you observe if Mr. Lombardo went to lunch?

A. He wasn't one for lunches either, only occasionally.

Q. And where -- once you moved up to the third floor -- or the top floor, is that the floor Mr. Lombardo was on?

A. Yes. He was in the third level.

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Q. And did you have an office or a cubicle? What location did you have?

A. I had an office.

Q. And where was your office in comparison to where Mr. Lombardo sat?

A. It was -- I'm trying to describe it. It was pretty far away actually. It was on the opposite end of the third floor, closer to where John Chmura and Greg Chmura sat.

Q. Okay. And you mentioned when Mr. Lombardo spoke to you about whether you would be willing to sit for a deposition, he referenced exempt/nonexempt.

While you were employed at Chmura, did Mr. Lombardo ever speak to you about overtime?

A. No.

Q. And I wanted to talk some more just about your -- your position when you were the sales coordinator. You were dealing with discounts when that would come up. You've already testified about that. What were some of the other things that would come up that would require your involvement?

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2 A. Things that related to our customer
3 relationship management system. We used Sales
4 Force. A big part of my job was making that
5 system fit process better, optimizing it, and
6 having it produce data for analysis. And that
7 would be given to leadership to make decisions.

8 Q. So that had a data analytics expect
9 to it, correct?

10 A. Yes.

11 Q. And would you also do things -- were
12 you involved in running maybe specials and
13 sending out enhanced discounts to certain
14 customers if they attended certain events or
15 things like that?

16 A. Enhanced discounts -- what do you
17 mean by "enhanced discounts"?

18 Q. Are there situations that you recall
19 where the company decided to give either
20 certain prospects or certain conducts either a
21 20 percent discount on particular software or
22 attending certain conferences?

23 A. I don't specifically recall the
24 program, but I did help run the MailChimp
25 account which we sent mass emails out of. So I

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may have helped with one of the emails that went out.

Q. Okay. And could you spell that just so I get that correct?

A. Sure. M-a-i-l-C-h-i-m-p.

Q. Gotcha.

And would you have any involvement on licensing agreements or anything of that sort?

A. Yeah. I'm trying to remember what the process was. I would help take the information from a fully executed license agreement and then document it in sales force so we can track renewals. If -- I remember I would often be the liaison between sales and legal if the customer needed to redline any documents. So occasionally I would have to project manager a little bit, make sure that sales and legal can work together, get the redlines figured out. There was often version control issues, which I'm sure you deal with on the daily.

Q. I thankfully do not do that type of law?

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2 A. Yeah. It's agonizing.

3 Q. When you say between sales and
4 legal, would that be the account manager and
5 whoever you guys were using as outside counsel?

6 A. Yeah. So I guess legal is probably
7 the wrong word. We didn't have in-house
8 counsel at the time, but Sharon Simmons in
9 Richmond would help with like licensing
10 agreement reviews. I know Leslie would help
11 from time to time as well. So we kind of had
12 like a pseudo legal time, but not lawyers.

13 Q. And would that be situations where
14 the salesperson may want something particular
15 in a license agreement and it was whether
16 Sharon Simmons or Leslie would agree to that?

17 A. Usually it wasn't the salesperson
18 wanting anything in there. It would be the
19 prospect or the customer requesting something
20 in there.

21 Q. And in your position, would you be
22 involved in identifying new markets or groups
23 of prospects for the sales team to focus their
24 attention on?

25 A. Sure.

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2 Q. And in doing that, did you work with
3 the account managers?

4 A. Sure.

5 Q. And specifically with regard to
6 Mr. Lombardo, in your opinion, was he a good
7 sales -- or account manager/salesperson?

8 A. I thought he was a great account
9 manager.

10 Q. And did you believe he had good
11 instincts for the job?

12 A. I think so. He also had quite a bit
13 of experience as well. That helped.

14 Q. And would you value the
15 recommendations he had on the areas to focus on
16 as far as new markets or new areas?

17 A. They were certainly worth listening
18 to.

19 Q. And would you seek out Mr. Lombardo
20 and get his opinion on matters like that?

21 A. Sometimes, you know, but you're
22 gathering ideas from everyone in the company,
23 right?

24 Q. And were there certain segments in
25 which Mr. Lombardo had a particular expertise

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2 within the company?

3 A. He was pretty well versed with
4 economic development, workforce development as
5 well.

6 Q. Would he be the -- okay.

7 How about the education realm? Was
8 that an area he wanted to move into?

9 A. It wasn't a big focus for him, at
10 least while I was working with him.

11 Q. Do you recall, and I don't know if
12 this took place while you were there, but a
13 revamping of concourse?

14 A. Hmm, a revamping. When I started in
15 the sales coordinator role, it had already
16 existed as a tool, but I don't recall a lot
17 of -- I don't recall any major modifications
18 being made to it during my time as a sales
19 coordinator.

20 Q. And when you were -- bear with me
21 for a second.

22 A. Yep.

23 Q. In your position did you work with
24 the account managers or receive their
25 suggestions on software features that they

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2 thought might improve sales?

3 A. If they had a feature request, we
4 had that process where they would pass it to
5 the product team.

6 Q. Okay. That's one of the ones you
7 were talking about earlier where, after a short
8 time, they didn't go through you, they went
9 directly to the product team?

10 A. Correct.

11 Q. Okay. At some point do you remember
12 Chmura revamping its sales templates?

13 A. Sales templates. Could you be more
14 specific?

15 Q. Yes. Bear with me. And it may
16 be -- Christine, I'm going to introduce a
17 document. We may want to take a quick
18 five-minute break just so I can make sure I've
19 got the system ready to go to introduce the
20 document, if that's okay.

21 MS. COOPER: That's fine by me.

22 We'll take five.

23 MR. MICHALIK: Okay.

24 (Recess taken from 2:45 p.m. to 2:53
25 p.m.)

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2 BY MR. MICHALIK:

3 Q. Mr. Trombley, you should have
4 visible on your screen and if you're going by
5 your computer, you should have it also in your
6 exhibit box, a document that's been marked as
7 Exhibit A. Can you see that?

8 A. I can see it, yes.

9 Q. And if you could take a moment just
10 read -- it's a multi-page exhibit, and just
11 read through it.

12 A. Okay.

13 Q. And let me know when you've done so.
14 (Email chain, "FW: Please Review re:
15 Subscription Agreements," Bates
16 Number CHMURA0136714, marked as
17 Exhibit A.)

18 BY MR. MICHALIK:

19 Q. And do you recognize this document?

20 A. I don't recall this particular email
21 thread. Let's see if I can jog my memory by
22 reading it.

23 A. Okay. I've read it.

24 Q. Does that refresh your recollection
25 at all?

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A. I mean, vaguely. I don't remember what came out of this or what happened next.

Q. Was -- to your recollection, was Chmura revamping some sales templates?

A. The subscription agreements, the language we had in them?

Q. Yes. I'm sorry. The subscription agreements.

A. I don't remember any big changes, especially around this time period, around December. I would have been on the job -- in that role for a few months at that time. I don't recall any significant changes to it.

Q. But you would agree you were copied on this email chain?

A. Yeah.

Q. And there's Austen referenced, Austen Steele. Who is Austen Steele?

A. He is one of the account managers that worked out of the Richmond office.

Q. And would Greg or others consult with Mr. Steele and Mr. Lombardo when making changes like this?

A. When making changes to the

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subscription agreement? Not typically, no.

Q. Making changes to when they were considering making product changes, giving input to the sales team?

A. They would definitely ask Rick or Austen what their customers had been requesting or what their customers were saying were pain points.

So Rick and Austen were kind of like the voice of the customer. So they were the best way to get that information.

Q. Now, you worked with Greg the entirety of your Chmura employment.

Do you still keep in touch with Mr. Chmura?

A. I do not. But I believe -- I don't want to put words in your mouth. I believe he said he was a good supervisor to work for or something to that effect. Is that correct?

Q. Correct.

A. He was.

Q. And you talked about interactions, he would be there with you, and that you had with the sales team.

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In your observation, did he value the sales team's input?

A. To an extent, you know. I mean, he would definitely hear them. He would listen to their input.

Q. And we give weight to their recommendations?

A. Some weight. But he would weigh what he was hearing from the sales and the customers. He would weigh what he was hearing from the IT and the tech side, saying they could build. He was weighing everyone's input to make a decision.

Q. And are you personal friends with Mr. Lombardo?

A. Yes.

Q. And do you socialize outside of work? In other words, do you socialize currently with Mr. Lombardo?

A. Yes.

Q. How frequently do you guys see each other on a personal level?

A. Well, see each other, not often now, but --

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2 Q. Let me -- pre-COVID-19, how
3 frequently would you see each other on a
4 personal level?

5 A. We probably see each other in person
6 once every few months and then communicate over
7 text, I don't know, a couple times a month.

8 Q. And have you communicated with
9 Mr. Lombardo about this case via text?

10 A. I don't believe so. It would only
11 be related to whether or not I would be able to
12 do the deposition.

13 Q. And if I recall from one of the
14 earlier depositions, does Mr. Lombardo's wife
15 work at your current employer?

16 A. She does.

17 Q. And do you work with her at your
18 current employer? Meaning, do you guys
19 interact at work?

20 A. Yeah. We interact.

21 Q. And how frequently do you interact
22 with Ms. Lombardo?

23 A. At least twice a week.

24 Q. And have you discussed this case at
25 all with Ms. Lombardo?

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2 A. The only thing we discussed is when
3 the deposition would occur. That's it.

4 Q. Okay. If I can have five more
5 minutes, this may be a short deposition on my
6 part. So if you'll bear with me.

7 MS. COOPER: Okay.

8 (Recess taken from 3:01 p.m. to 3:11
9 p.m.)

10 BY MR. MICHALIK:

11 Q. Mr. Trombley have you spoken with
12 Ms. Cooper, Mr. Lombardo's attorney.

13 A. I have not.

14 MR. MICHALIK: I don't have any
15 further questions, subject to whatever you
16 may ask him, Christine.

17 MS. COOPER: I just have a few
18 questions.

19 Going back to the 10 percent
20 discount that was referenced earlier, did
21 Mr. Lombardo ask you before giving a
22 10 percent?

23 THE WITNESS: You mean like if he
24 was within the bounds of the 10 percent?

25

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2 BY MR. MICHALIK:

3 Q. Yeah.

4 A. I really don't ask if he had
5 approval to do it. I'm confused by the
6 question.

7 Q. Let me rephrase my question.

8 If Mr. Lombardo was going to give
9 any discount to a potential customer, would he
10 first seek your approval when you were his
11 manager?

12 A. Hmm. That's a little difficult to
13 answer because I don't remember when the
14 10 percent leeway was put in place. Once the
15 10 percent leeway was put in place, he no
16 longer had to ask for approval since it was
17 built into the discounting model internally.
18 But if that leeway wasn't in place, yes, he
19 would come and ask me. But I didn't have the
20 authority to approve either. We would have to
21 take it up the chain to Greg.

22 Q. Was that leeway on something called
23 a pricing matrix, to your recollection?

24 A. Yeah. It was like in a spreadsheet.

25 Q. Were there instances in which a

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customer that had a subscription agreement would want information outside of their subscription agreement?

A. Like data outside their subscription agreement? Yeah. If that happened, we would try to upsell them, of course, for more data.

Q. Prior to giving a customer any data outside of your subscription agreement, if it wasn't part of an upsell, would Mr. Lombardo seek approval from you as his manager?

A. Yes.

Q. And you referenced correct Chmura quite a bit throughout your deposition. Did you consider him the primary decision maker for the sales team?

A. I think, no, because it was split between Greg and Leslie.

Q. Okay.

A. Like Greg, you know, made quite a few decisions, but there were some we had to get Leslie's approval as well. I don't want to say primary, but it wasn't the majority of the decisions.

Q. But it was Mr. Chmura and

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Ms. Peterson, correct?

A. Correct.

MS. COOPER: That's all I have.

THE COURT REPORTER: I have standing orders noted for both of you. Did either of you need to change anything from your standing order?

MS. COOPER: No. I think that's fine.

MR. MICHALIK: Yes. Standing order the fine. Thank you.

(The deposition was concluded at 3:16 p.m.)